

From: Rich Gamboa
To: Microsoft ATR
Date: 1/15/02 6:29am
Subject: Microsoft Settlement

Dear Judge Kollar-Kotally,

Your honor, I object to the Proposed Final Judgment entailed in the Microsoft case. After reading and analyzing the proposed settlement, I am appalled that Microsoft can get away with such murder. Obviously here are several apparent flaws with in the proposal which will undoubtedly give Microsoft absolute power to abuse their existing power. Based on further review of the proposed settlement, there is one glaring oversight that cannot be overlooked. One such noticeable defect entails an ineffective and inept enforcement mechanism to implement so-called restrictions. As stated in the settlement, Microsoft will be closely monitored to comply with all restrictions encompassed with in the stated agreement. A three man compliance team will oversee and insure that Microsoft comply with the stated rules and regulations. Taking a closer look however, this three-man oversight team will be composed of the following: one appointee from the Justice Department, one appointee from Microsoft, and another appointee chosen by the two existing members. In turn, Microsoft will control half of the oversight team. Also, in the likelihood of any enforcement proceeding, all findings by the oversight committee will not be allowed into court. The sole purpose of the committee is to inform the Justice Department of all infractions by Microsoft. Subsequently the Justice Depart will launch its own investigation into the matter and commence litigation to halt all infractions. When all is said and done, the oversight committee is just window dressing, who will not strictly oversee Microsoft's business moves. In my opinion, the Proposed Final Judgment does not provide sufficient and appropriate restrictions or penalties against Microsoft. What reassurance do we have against Microsoft's illegal and illicit activities? I can assure you that the Proposed Final Judgment does not effectively nor sufficiently address the question. With all due respect, I submit to the court my objection to the Proposed Final Judgment.

Kind Regards,

Richard Flores

Santa Barbara, CA